



March 24, 2009

**ENGROSSED  
SENATE BILL No. 356**

DIGEST OF SB 356 (Updated March 18, 2009 1:53 pm - DI 103)

**Citations Affected:** IC 22-2.

**Synopsis:** Military family leave. Adds a biological child, an adopted child, a foster child, or a stepchild of a person who is ordered to active duty as eligible for military family leave. Makes conforming changes to definitions of grandparent, parent, and sibling, for purposes of military family leave.

**Effective:** July 1, 2009.

**Delph, Wyss, Holdman, Young R,  
Errington**

(HOUSE SPONSORS — TYLER, BURTON, BARNES, HINKLE)

January 8, 2009, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.  
February 17, 2009, amended, reported favorably — Do Pass.  
February 19, 2009, read second time, ordered engrossed.  
February 20, 2009, engrossed.  
February 23, 2009, read third time, passed. Yeas 49, nays 0.

**HOUSE ACTION**

March 3, 2009, read first time and referred to Committee on Small Business and Economic Development.  
March 23, 2009, amended, reported — Do Pass.

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March 24, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 356

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 22-2-13-2.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2009]: **Sec. 2.5. As used in this chapter, "child" means a**
- 4 **biological child, adopted child, foster child, or stepchild.**
- 5 SECTION 2. IC 22-2-13-5, AS ADDED BY P.L.151-2007,
- 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2009]: Sec. 5. As used in this chapter, "grandparent" means
- 8 a biological grandparent, **an adoptive grandparent, a foster**
- 9 **grandparent, or a stepgrandparent.**
- 10 SECTION 3. IC 22-2-13-9, AS ADDED BY P.L.151-2007,
- 11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2009]: Sec. 9. As used in this chapter, "parent" means:
- 13 (1) a biological father or mother;
- 14 (2) an adoptive father or mother; **or**
- 15 (3) a court appointed guardian or custodian;
- 16 **(4) a foster parent; or**
- 17 **(5) a stepparent.**

ES 356—LS 6806/DI 102+



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1 SECTION 4. IC 22-2-13-10, AS ADDED BY P.L.151-2007,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 10. As used in this chapter, "sibling" means:

- 4 (1) a **biological** brother or sister; ~~by blood; half-blood; or~~
- 5 ~~adoption.~~
- 6 (2) **an adoptive brother or sister;**
- 7 (3) **a foster brother or sister; or**
- 8 (4) **a stepbrother or stepsister.**

9 SECTION 5. IC 22-2-13-11, AS ADDED BY P.L.151-2007,  
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2009]: Sec. 11. (a) An employee who:

- 12 (1) has been employed by an employer for at least twelve (12)
- 13 months;
- 14 (2) has worked at least one thousand five hundred (1,500) hours
- 15 during the twelve (12) month period immediately preceding the
- 16 day the leave begins; and
- 17 (3) is the spouse, parent, grandparent, **child**, or sibling of a person
- 18 who is ordered to active duty;

19 is entitled to an unpaid leave of absence as provided in subsection (b).

20 (b) An employee may take a leave of absence during one (1) or more  
21 of the following periods:

- 22 (1) During the thirty (30) days before active duty orders are in
- 23 effect.
- 24 (2) During a period in which the person ordered to active duty is
- 25 on leave while active duty orders are in effect.
- 26 (3) During the thirty (30) days after the active duty orders are
- 27 terminated.

28 (c) The leave of absence allowed each **calendar** year under  
29 subsection (a) may not exceed a total of ten (10) working days.

30 (d) An eligible employee may elect, or an employer may require the  
31 employee, to substitute any earned paid vacation leave, personal leave,  
32 or other paid leave, except for paid medical or sick leave, available to  
33 the employee for leave provided under this chapter for any part of the  
34 ten (10) day period of such leave.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 356, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 22-2-13-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2.5. As used in this chapter, "child" means a son or daughter by blood, half-blood, or adoption.**".

Page 1, line 3, after "means" delete ":".

Page 1, line 4, delete "(1)".

Page 1, line 4, strike "biological".

Page 1, line 4, after "grandparent" delete "; or" and insert "**by blood, half-blood, or adoption.**".

Page 1, delete line 5.

Page 1, run in lines 3 through 4.

Page 1, after line 5, begin a new paragraph and insert:

"SECTION 3. IC 22-2-13-11, AS ADDED BY P.L.151-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) An employee who:

- (1) has been employed by an employer for at least twelve (12) months;
- (2) has worked at least one thousand five hundred (1,500) hours during the twelve (12) month period immediately preceding the day the leave begins; and
- (3) is the spouse, parent, grandparent, **child**, or sibling of a person who is ordered to active duty;

is entitled to an unpaid leave of absence as provided in subsection (b).

(b) An employee may take a leave of absence during one (1) or more of the following periods:

- (1) During the thirty (30) days before active duty orders are in effect.
- (2) During a period in which the person ordered to active duty is on leave while active duty orders are in effect.
- (3) During the thirty (30) days after the active duty orders are terminated.

(c) The leave of absence allowed each **calendar** year under subsection (a) may not exceed a total of ten (10) working days.

ES 356—LS 6806/DI 102+



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(d) An eligible employee may elect, or an employer may require the employee, to substitute any earned paid vacation leave, personal leave, or other paid leave, except for paid medical or sick leave, available to the employee for leave provided under this chapter for any part of the ten (10) day period of such leave."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 356 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred Senate Bill 356, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "son or" and insert "**biological child, adopted child, foster child, or stepchild.**"

Page 1, delete line 4.

Page 1, delete lines 5 through 8, begin a new paragraph and insert: "SECTION 2. IC 22-2-13-5, AS ADDED BY P.L.151-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. As used in this chapter, "grandparent" means a biological grandparent, **an adoptive grandparent, a foster grandparent, or a stepparent.**

SECTION 3. IC 22-2-13-9, AS ADDED BY P.L.151-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. As used in this chapter, "parent" means:

- (1) a biological father or mother;
- (2) an adoptive father or mother; ~~or~~
- (3) a court appointed guardian or custodian;
- (4) a foster parent; or**
- (5) a stepparent.**

SECTION 4. IC 22-2-13-10, AS ADDED BY P.L.151-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. As used in this chapter, "sibling" means:

- (1) a biological brother or sister; ~~by blood, half-blood, or adoption.~~**



**(2) an adoptive brother or sister;**

**(3) a foster brother or sister; or**

**(4) a stepbrother or stepsister."**

Page 1, line 9, delete ""

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 356 as printed February 18, 2009.)

RESKE, Chair

Committee Vote: yeas 12, nays 0.

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